

**Town of Middletown
Planning Department**

350 East Main Rd., Middletown RI 02842 (401) 849-4027

PLANNING BOARD MINUTES

October 11, 2006

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

John Tucker Vernon Gorton, Town Solicitor

Jan Eckhart, Secretary

Richard Adams

David Lawrence

Members absent:

Colleen Aull

Audrey Rearick

The meeting was called to order at 6:30 pm.

Minutes

The minutes of the regular meeting of September 13, 2006, as well as the special meetings of September 13, 2006 and September 27, 2006 were reviewed.

Motion by Mr. Adams seconded by Mr. Tucker to approve the minutes as presented. Vote: 5-0-0

Sitting as Planning Board

Old Business

1. Public Hearing (continued) - George P. Lewis, Proposed 5-lot minor subdivision & extension of Trout Dr., Plat 125, Lot 935, Preliminary Plan

Mr. Wolanski stated that he had received a phone call from the applicant's attorney, Mr. Bardorf, requesting a continuance to the November 8, 2006 Planning Board meeting, as they are in the process of revising the proposed plans. The applicant had previously provided a letter agreeing to any required continuances.

Motion by Mr. Tucker, seconded by Mr. Eckhart, to continue the matter to the November 8, 2006 Planning Board meeting. Vote: 5-0-0

2. Gene Goldstein, Goldstein Assoc. LLC. Proposed 2-lot Minor Subdivision and extension of Silva Lane (Plat 115, Lot 42) Final Plan Attorney David Martland represented the applicant. He stated that the applicant has been granted the required relief by the Zoning Board of Review to allow for the creation of the proposed new building lot with less than the required frontage/lot width.

Mr. Weber stated that he was satisfied that the required relief had been granted.

Motion by Mr. Tucker, seconded by Mr. Eckhart, to grant final plan approval. Vote: 5-0-0.

3. Consideration of proposed amendments to Zoning Ordinance Article 12 - Signs, for recommendation to the Town Council.

Mr. Wolanski stated that the Town Council has scheduled a public hearing on the proposed amendments to the sign ordinance for October 30th. The Planning Board must provide a recommendation to the Council on the proposal.

Mr. Weber stated that he is concerned that the provision to allow internally illuminated signs in the general business district would undermine progress made on signage in the Town Center Overlay District. Other Board members agreed.

There was discussion that there would be no incentive to install lower impact signage due to the need to compete with internally illuminated signage.

Mr. Adams stated that he would like the Board to recommend against allowing internally illuminated signs.

The was discussion of a provision in the draft ordinance that would allow for an applicant to request an increase in the size of allowed signage by special use permit rather than variance.

Mr. Gorton explained that the applicant for a variance must show hardship due to the condition of the proposed site. A special use permit can be considered in the context of the surrounding area.

Motion by Mr. Adams, seconded by Mr. Tucker, to forward a positive recommendation to the Town Council on the proposed amendments, with the recommendation that internally illuminated signs be prohibited in all districts. Vote: 4-1-0 with Mr. Lawrence voting in opposition.

4. Consideration of proposed Zoning Ordinance amendment to allow temporary stockpiling of materials and equipment for municipal construction projects in all zoning districts.

The Planning Board had requested that the matter be forwarded to the Roads & Utilities Advisory Committee for review.

Mr. Wolanski stated that he had not received comments from the committee.

By consensus the Board decided to continue the matter to the November 8, 2006 regular Planning Board meeting.

5. Update – Preparation of draft mixed–use zoning ordinance amendment

Mr. Wolanski stated that the subcommittee will meet on October 13th at 2pm. It is hoped that a draft of the proposed ordinance will be available for distribution following that meeting.

By consensus the matter was continued to the November 8, 2006 Planning Board meeting.

6. Discussion of draft Inclusionary Housing zoning ordinance amendment

Due to the level of ongoing board activity the Board by consensus decided to table this matter for future discussion.

7. Update – Atlantic Beach District Master Plan

Mr. Weber discussed the current status of the project. The proposal review committee has forwarded a recommendation to the Town Council to contract with the Maguire Group for the master plan project. If the Council accepts the recommendation and agrees to the contract, work will begin shortly.

New Business

8. Jose L. Gomes, 2-lot subdivision, Jepson Lane, Plat 117, Lot 84 - Preliminary Plan

Mr. Lawrence recused himself from the discussion.

Attorney David Martland represented the applicant. He described the plan which had been revised to include 50' of frontage on Jepson Lane for the proposed new building lot. He described the limited options for providing the required frontage.

Mr. Weber indicated that he was not in favor of creating a nonconforming lot.

There was discussion of future development potential and the possibility of a road into the property in the future.

There was discussion of the possibility of providing a paper road.

Mr. Eckhart stated that the current plan was an improvement over the previous plan, which provided no frontage for the proposed lot

Motion by Mr. Tucker to deny the application as presented. There was no second to the motion.

There was discussion of a possible conditional approval, subject to relief granted by the zoning board of review and conditions recommend by the Town Planner.

Mr. Gorton stated that the Board could vote to grant conditional approval and provide a recommendation to the zoning board of review against the granting of the necessary variance.

Mr. Adams stated that given the configuration of the property and the

size of the proposed lot, he could support a conditional approval.

Motion by Mr. Adams, seconded by Mr. Eckhart, to grant conditional preliminary plan approval subject to the applicant being grant the necessary zoning relief by the Zoning Board of Review, and the conditions recommended by the Town Planner. Vote: 2-2-0 with Mr. Weber and Mr. Tucker voting in opposition. The applicant was therefore denied.

9. Additional New Business

Request of the Zoning Board of Review for an advisory recommendation pursuant to Section 1106 of the Zoning Ordinance regarding a request for a approval for residential development within Zone 1 of the Watershed Protection District. D&B Valley Associates, Proposed 2-lot Subdivision, Valley Rd. & William Dr., Plat 114, Lot 4 Mr. Wolanski stated that this request was submitted after the meeting agenda had been posted. The Board may wish to consider establishing a subcommittee to review the application and continue the matter to the November meeting.

By consensus the Board established a subcommittee to review the application and meet at the site on October 16, 2006.

The Planning Board adjourned and reconvened as the Town Center Review Board

Sitting as the Town Center Review Board

1. Island Hotel Group, LLC – 317-351 West Main Rd. (Plat 108, Lots 97G, 131, 193) Request for approval of signs application

Attorney Robert Silva represented the applicant. He provided revised sign plans dated 10/10/06 for the Boards consideration. He described the application and the waivers that would be required, including for materials, illumination, total sign area, and location of freestanding signs. Except for the sign proposed to be included on the existing West Main Rd. pylon sign, all signs will be externally illuminated.

Mr. Weber recognized the effort made by the applicant to address the Board's concerns.

Other Board members indicated that they were happy with the changes that had been made.

Motion by Mr. Tucker, seconded by Mr. Adams, to approve the proposed signs as presented and to grant the following waivers from the requirements of the Town Center Overlay District:

2404.5 (b) – To allow a sign with the 10' setback.

2404.5 (e) – Wall sign exceeding two feet in height, and not located above the first-floor windows.

2404.5 (f) – The total area of all signs exceeding the maximum allowed

2404.5 (g) – To allow signs made of plastic materials.

2404.5 (h) – To allow an internally illuminated sign.

Vote: 5-0-0

2. Crosspoint Associates (FYE Music Movies), Application for a new wall sign, Plat 107SE, Lot 106, 99 East Main Rd

Mr. Wolanski stated that he had received a call from the applicant requesting that the application be withdrawn.

Motion by Mr. Tucker, seconded by Mr. Adams, to withdraw the application without prejudice. Vote: 5-0-0.

3. Imported Car Company of RI, Inc. (Seguin Realty, LLC) – Proposed Building alterations and signage. 285 East Main Rd. Plat 113, Lot 20-A Attorney Bob Silva, representing the applicant, described the project, including the elimination of the existing free-standing signs on the property and installation on new free-standing and wall signs. Total signage area would be reduced from what currently exists on the site. Representatives of the sign company described the proposed lighting of the signs, which would be by LED technology, rather than gas-filled tubes. The lighting would therefore be more subtle. Several of the signs would be internally illuminated.

Mr. Weber stated that it is important that the Board review the proposed building alterations and the signs at the same time.

Mr. Silva stated that the building plans were not yet available. The façade would consist of 4'x 4' translucent glass panels with internal illumination.

The board requested that demonstration of the proposed sign lighting be provided with each of the proposed colors in comparison with traditional lighting technology. The meeting should be held at night. The applicant agreed to the request.

Motion by Mr. Tucker, seconded by Mr. Eckhart, to continue the matter to the November 8, 2006 Planning Board meeting, and to schedule a site visit of the board to review the proposed sign lighting.

Vote: 5-0-0.

The applicant will coordinate the site visit with the Town Planner.

Motion by Mr. Adams, seconded by Mr. Tucker, to adjourn. Vote: 5-0-0

The meeting adjourned at 7:55pm